IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20596 of 1994

Between:

Smt P.Nirmala, W/o.P.N.Subbarayulu,
R/o.18-1-386,Bhavani Nagar Tirupathi,
Chittoor District.

..... PETITIONER

AND

1 The Joint Collector, Chittoor District,
Chittoor.
2 The Mandal Revenue Officer, Renigunta Mandal,
Chittoor District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring that the impugned notice in Roc.B4/1957/94, Dt.28-10-1994 on the file of the Respondent No.1 which was sought to be served on the dead person, as illegal, void, arbitrary, and unsustainable and illegal exercise of jurisdiction and further be pleased to declare that the subsequent transfer assignment made in favour of the petitioner herein on 28-3-1985 by the predecessor Revenue authorities shall stand intact in the absence of violation of rules and conditions of assignment.

Counsel for the Petitioner: MR.M.VENKATA RAMANA REDDY

Counsel for the Respondents: G.P. FOR REVENUE (Assignments)

The Court made the following :

ORDER:

Heard Sri Venkata Ramana Reddy, the learned counsel appearing on behalf of the petitioner and the learned Government Pleader for Revenue (Assignment) appearing on behalf of the respondents.

The petitioner herein seeks to assail the impugned notice dated 28.10.1994 whereunder she was given a show cause notice to explain as to why the patta granted to her, should not be cancelled. On hearing the counsel on either side and on perusal of the material, it is to be seen that admittedly the impugned proceedings are only a show cause notice and the petitioner has already been asked to give explanation. At this stage, it is not apt on the part of the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. It is always open to the petitioner to file proper explanation whereupon the respondents can pass appropriate orders on merits in accordance with law.

The writ petition is, accordingly, dismissed with liberty to the petitioner to file explanation within a period of four weeks from today and on receipt of which the first respondent shall dispose of the same after giving notice and opportunity.

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B. PRAKASH RAO, J

10th March 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Chittoor District,
Chittoor.
2 The Mandal Revenue Officer, Renigunta Mandal,
Chittoor District.

3 Two C.Cs. to the G.P. for Revenue(Assignments), High Court of A.P., High Court Buildings, Hyderabad (OUT).

4 Two C.D. copies.